



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Design, Construction and Land Use**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2302243  
**Applicant Name:** Brittani Ard  
**Address of Proposal:** 919 N. 35<sup>th</sup> Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into six unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses has been issued under separate project #2302034.

The following approval is required:

**Short Subdivision** - To subdivide one existing parcel into six unit lots.  
(Chapter 23.24, Seattle Municipal Code)

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS  
☐ DNS with conditions  
☐ DNS involving non-exempt grading or demolition, or  
involving another agency with jurisdiction

**BACKGROUND DATA**

**Site Description and Area Development**

The subject property is approximately 7,202 square feet and is zoned Multi-family Residential Lowrise (L3). The lot has approximately 60 feet of street frontage along N. 35<sup>th</sup> Street and a depth of approximately 120 feet. At this location, N. 35<sup>th</sup> Street is designated as an arterial and improved with curbs, gutters, and sidewalks on both sides of the street. There is a platted sixteen (16') foot alley adjacent to the property to provide vehicle access. There are no mapped or observed City of Seattle designated Environmentally Critical Area (ECA) on the site.

Zoning and development in the vicinity is mixed between multi-family and commercial, but is characterized largely by the Multi-Family Residential Lowrise 3 (L-3) zone immediately west and east of the property. Properties to the north along N. 35<sup>th</sup> Street are zoned Multi-Family Residential Lowrise 2 (L-2) and immediately to the south is a block zoned Commercial 1-65 (C1-65). In combination, these areas are developed with single family, multi-family and commercial structures.

### Proposal Description

The applicant proposes to short subdivide one parcel into six unit lots. Proposed unit lot parcel sizes are: A) 1,256 square feet; B) 967 square feet; C) 1,256 square feet; D) 1,307 square feet; E) 993 square feet; and F) 1,423 square feet. DCLU Project Number 2302034, to demolish the existing single family residence, establish use and construct two (2) 3-unit townhouses with attached garage has been approved at the time of this report. Vehicular access to the site will be from an existing alley via a shared ingress, egress, and utility easement.

### Public Comment

During the comment period, which ended on May 14, 2003, one written comment letter was received. The letter included concerns about protecting street trees during the construction, saving the existing trees on the proposed property and the construction schedule.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings, which follow, are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Design, Construction and Land Use (DCLU), review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light, and review by the Land Use Planner.

1. *Conformance to the applicable Land Use Code provisions;*

The existing parent lot subject to this subdivision conforms to all development standards of the L-3 zone. The parent lot configuration provides adequate buildable area to meet applicable density, setbacks, lot coverage requirements and other land use code development standards. The unit lots proposed by this subdivision conform to the standards for unit lot subdivisions (SMC 23.24.045) and other code provisions applicable to unit lot subdivisions.

2. *Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.53.005;*

Vehicular access to each of the parcels will be from an ingress, egress, and utility easement through the property from the alley. All of the parcels would obtain shared access to the subject site from the easement. Pedestrian access to the unit lots would be obtained from N. 35th St. via a pedestrian access easement along the east property line.

The Seattle Fire Department has reviewed the proposed lot configuration with regard to fire protection and emergency vehicle access and has no objection. No improvements were requested by the Fire Department.

Seattle City Light provides electrical service to the subject property and has indicated an easement is required. The easement identified in the Seattle City Light memorandum, dated May 21, 2003, and "Exhibit A to the City of Seattle Short Subdivision Number 2302243" shall be included on the final plat prior to recording.

3. *Adequacy of water supply, sanitary sewage disposal, and drainage;*

Sanitary Sewer: An 8-inch public sanitary-only sewer (PSS) is available in N. 35<sup>th</sup> Street to all proposed parcels.

Drainage: Permanent stormwater control shall include discharge to the alley surface. Discharged stormwater will flow down the alley to the public storm drain in Albion Pl. North.

Seattle Public Utilities reviewed the unit lot subdivision application and approved a Water Availability Certificate, No. 03-0453 on May 2, 2003. All conditions on the certificate must be met prior to receiving water service.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed unit lot subdivision meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision. Address signage shall be posted such that addresses for all units are visible from N. 35<sup>th</sup> Street. An easement or covenant shall be recorded with the final plat to ensure that the address signage is maintained. The public use and interests are served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

There is no mapped or observed City of Seattle Environmentally Critical Area on the proposal site.

6. *Is designed to maximize the retention of existing trees;*

Not applicable, as the development of the subject site is permitted by approval of the associated building permit.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single family housing.*

Section 23.24.045 of the Seattle Municipal Code provides that under certain circumstances some types of parcels may be created that do not individually meet the zoning requirements for lot size, setbacks, density, and structure width and depth. These are called unit lot subdivisions and may be permitted as long as the development as a whole meets development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional development may be limited due to non-conformities, the following statement shall be required to be included as a note on the final short subdivision: *"The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."*

## **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

## **CONDITIONS - SHORT SUBDIVISION**

### *Conditions of Approval Prior to Recording*

The owner(s) and responsible party(s) shall:

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate State statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. The Seattle City Light easement described in the Seattle City Light memorandum dated May 21, 2003 and "Exhibit A to City of Seattle Short Subdivision No. 2302243" shall be included on the final plat prior to recording.
3. Insert the following on the face of the plat: *"The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."*
4. Provide an easement or covenant with the final plat to ensure that address signage for each unit is provided and maintained in a location visible from N. 35<sup>th</sup> Street.
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines, vehicular access, and pedestrian easements.

Signature: (signature on file) Date: August 18, 2003  
Marie N. Kanikkeberg, Land Use Planner  
Department of Design, Construction and Land Use  
Land Use Services